

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.7372 of 2017

ORDER:

Heard learned counsel for petitioner/ accused No.4 in Crime No.203 of 2017 of Sanathnagar Police Station, Cyberabad, who is unnamed in that matter and his name was also not shown in the FIR as accused and in the course of investigation from the disclosure statement of accused Nos.2 and 3, his name is revealed for receiving the stolen property and it is the none of the penal provisions of Sections 454 and 380 IPC are applicable against him.

2) It is premature for this Court, to make any observation whether he is liable for Section 411 IPC from the allegations are not even and the investigation is at the preliminary stage, thereby nothing to quash the FIR, if at all, he is liable, if there is any event in possession of stolen property.

3) With the above observations, the Criminal Petition is disposed of, without prejudice to all available defences of the accused person, but for to say, if at all, any arrest of the petitioner is required, police shall strictly follow Section 41-A Cr.P.C. and guidelines issued by the Hon'ble Apex Court in **Arnesh Kumar Vs. State of Bihar**¹.

4) Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 23.08.2017
knl

¹ 2014 (8) SCC 273